

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/114, 956 07/13/98 GENHEIMER

S 22306

LM51/1228

EXAMINER

BILL D MCCARTHY
CROWE & DUNLEVY
101 PARK AVENUE
SUITE 250
OKLAHOMA CITY OK 73102

KLIMOWICZ, W

ART UNIT PAPER NUMBER

2754

DATE MAILED:

12/28/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

| | | |
|-------------------------------|----------------------|------------------|
| Notice of Allowability | Application No. | Applicant(s) |
| | 09/114,956 | GENHEIMER ET AL. |
| | Examiner | Art Unit |
| | William J. Klimowicz | 2754 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

1. This communication is responsive to the Appeal Brief filed 10-15-99 (Paper No. 12).
2. The allowed claim(s) is/are 18-23, renumbered as claims 1-6, respectively.
3. The drawings filed on _____ are acceptable.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - a) All
 - b) Some*
 - c) None
 of the CERTIFIED copies of the priority documents have been
 1. received.
 2. received in Application No. (Series Code / Serial Number). _____
 3. received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

A SHORTENED STATUTORY PERIOD FOR REPLY to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office Action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be available under the provisions of 37 CFR 1.136(a).

6. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. Applicant MUST submit NEW FORMAL DRAWINGS
 - (a) because the originally filed drawings were declared by applicant to be informal.
 - (b) including changes required by the Notice of Draftsperson's Patent Drawing Review(PTO-948) attached
 - 1) hereto or 2) to Paper No. _____.
 - (c) including changes required by the proposed drawing correction filed _____, which has been approved by the examiner.
 - (d) including changes required by the attached Examiner's Amendment / Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- | | |
|--|--|
| <input type="checkbox"/> Notice of References Cited (PTO-892) | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____. | <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | <input type="checkbox"/> Other |

Art Unit: 2754

EXAMINER'S COMMENT/AMENDMENT

In accordance with the filing of the Notice of Appeal and Appeal Brief (Paper Nos. 11 and 12, respectively), claim 24 has been cancelled. In the Advisory action (Paper No. 10) mailed June 27, 1999, upon the filing of a Notice of Appeal and Appeal Brief, the amendment (amendment D; Paper No. 9) would be entered. That amendment cancelled claim 24.

To reiterate for clarity, however:

Claim 24 has been cancelled in its entirety.

The following is an examiner's statement of reasons for allowance:

After reconsideration of the Applicants' arguments, the Examiner feels that the invention as claimed in claims 18-23 define over the art of record. More particularly, the art of record fails to fairly teach, show or suggest, alone or in combination, *inter alia*, a disc snubber affixed to the rigid actuator arm (a term of art), wherein the disc snubber extends along a portion of the actuator arm at a thickness greater than the width of the actuator arm to limit deflection of the disc. The claimed embodiment is shown in FIGS. 6 and 7. This disc snubber minimizes contact between the rigid actuator arm and the disc. As argued by the Applicant, the rigid actuator arm to which the disc snubber is affixed and along which the snubber extends, is not in any way related to the conventional flexible suspension that extends from the rigid actuator arm.

Art Unit: 2754

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (703) 305-3452. The examiner can normally be reached on M-F (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stuart S. Levy can be reached on (703) 308-1295. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for regular communications and (703) 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


William J. Klimowicz
Primary Examiner
Art Unit 2754

WJK
December 24, 1999